

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2012, Legislative Day No. 15
Resolution No. 63-12

Mrs. Vicki Almond, Chairwoman
By Request of County Executive

By the County Council, September 4, 2012

A RESOLUTION to authorize the County Executive or other authorized administrative official on behalf of Baltimore County, Maryland (the “County”) to approve an Amended and Restated Agreement for the Payment of Stipulated Amounts in lieu of Real Property Taxes with Towson Jail Associates, LLC, a limited liability company organized and existing under the laws of the State of Maryland (“TJA”) for the premises located at the northwest corner of Towsontown Boulevard and Bosley Avenue in Towson, Maryland 21204 (the “Property”), which is improved by a multi-story structure formerly known as the Warden’s Building (the “Building”) that was used in connection with the operation of the Old County Jail.

WHEREAS, the Building is recognized as a historic landmark in Baltimore County and is on the Baltimore County Historic Landmarks List; and

WHEREAS, the County and TJA entered into a Ground Lease dated June 9, 2009, which has been amended by a First Amendment to Ground Lease dated December 29, 2010, and a Second Amendment to Ground Lease of even date herewith (collectively, the “Lease”) to permit TJA to renovate the Building and convert it to general commercial office use, and other uses as provided for in the Lease (the “Project”); and

WHEREAS, pursuant to Resolution No. 42-09 adopted on June 1, 2009 (the “Resolution”), the County Council of Baltimore County, Maryland, approved a per leasehold minimum sum (with annual increases following the first full year of operation) for payments in lieu of real property taxes for the Property and the Project, and authorized the Baltimore County Executive or other authorized administrative official to enter into such an agreement; and

WHEREAS, the parties, together with Towson Swim Center, LLC (“TSC”) entered into an Agreement for Payment of Stipulated Amounts in Lieu of Real Property Taxes, dated June 9, 2009 (the “PILOT”); and

WHEREAS, in March, 2012 TSC terminated its June 9, 2009 ground lease with the County, and the County agreed to enter into the aforementioned Second Amendment to Ground Lease with TJA to lease to TJA additional property described therein; and

WHEREAS, pursuant to changed circumstances, including termination of TSC’s ground lease, the parties desire to amend and restate the PILOT; and

WHEREAS, it is in the best interests of the citizens of the County to encourage and facilitate renovation of the historic former Warden’s Building and development of the Property for the purposes enumerated in TJA’s Lease; and

WHEREAS, Section 7-501 of the Tax-Property Article of the Annotated Code of Maryland provides for a real property tax exemption under certain circumstances;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that the County Executive or other authorized administrative official is hereby authorized on behalf of the County to enter into a written Amendment (the “Agreement”)

with TJA to make the following payments to the County in lieu of paying Baltimore County real property taxes:

(a) TJA completed its renovation of the Building and was issued a use and occupancy permit by the County on December 29, 2010, and thereafter on January 1, 2011 paid to the County the sum of Three Thousand One Hundred Eighty-Five Dollars and Sixty Cents (\$3,185.60) based upon the assessed value of the Property alone (without regard to improvements, if any) and the applicable real property tax rate in effect for such period.

(b) For the period ending December 31, 2011 and payable January 1, 2012, TJA shall make a payment in the amount of Six Thousand Six Hundred Ten Dollars and Forty-Five Cents (\$6,610.45). For the period ending December 31, 2012 and payable January 1, 2013, TJA shall make a payment in the amount of Nine Thousand Nine Hundred Ninety-Four Dollars and Thirty-Six Cents (\$9,994.36). For the period ending December 31, 2013 and payable January 1, 2014, TJA shall make a payment in the amount of amount of Thirteen Thousand Eight Hundred Twenty-One Dollars and Seventy-Nine Cents (\$13,821.79). Thereafter, payments shall increase by three percent (3%) annually until the Termination Date, subject to the limitation set forth in Section 4 of the Agreement.

(c) For the period ending December 31, 2014 and continuing until the Termination Date, TJA shall make annual payments in arrears on January 1st of the following calendar year.

BE IT FURTHER RESOLVED, that this Resolution shall take effect from the date of its enactment.